

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDRE MONTEEK EDWARDS,

Case No. 19-10376

Petitioner,

HON. DENISE PAGE HOOD

v.

THOMAS WINN,

Respondent.

/

ORDER DECLINING TO ISSUE A CERTIFICATE OF APPEALABILITY

On March 31, 2022, the Court entered a Judgment and Opinion and Order Denying Petitioner Andre Monteek Edwards' Petition for Writ of Habeas Corpus, Denying Certificate of Appealability and Granting Leave to Proceed on Appeal In Forma Pauperis. (ECF Nos. 42, 43) The Court entered an Order Denying Petitioner's Motion for Reconsideration on June 24, 2022 and an Order Denying Motion to Appoint Counsel on July 7, 2022. (ECF Nos. 49, 51) Petitioner filed a Notice of Appeal on July 25, 2022 (ECF No. 52)

A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When a court denies relief on the merits, the substantial showing threshold is met if the petitioner demonstrates that reasonable

jurists would find the court's assessment of the claim debatable or wrong.

Slack v. McDaniel, 529 U.S. 473, 484-85 (2000). When a court denies relief on procedural grounds without addressing the merits, a certificate of appealability should issue if it is shown that jurists of reason would find it debatable whether the petitioner states a valid claim of the denial of a constitutional right, and that jurists of reason would find it debatable whether the court was correct in its procedural ruling. *Id.*

Petitioner is not entitled to a certificate of appealability because he failed to demonstrate that jurists of reason would find it debatable that the Court abused its discretion in denying his motions for reconsideration and to appoint counsel. The Court continues to find that Petitioner is not entitled to a certificate of appealability as to the merits of his habeas petition. Accordingly, the Court declines to issue a certificate of appealability, but Petitioner may proceed in forma pauperis on appeal.

IT IS SO ORDERED.

s/Denise Page Hood
DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

Dated: December 8, 2022